



# ALTERNATIVE DISPUTE RESOLUTION



## MEDIATION



# MEDIATION - AN ALTERNATIVE FOR DISPUTE RESOLUTION

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Mediation is a dispute resolution process which is non-adversarial in nature

Seeks not to declare winners or losers, but to find reconciliation between disputing parties





# MEDIATOR



**Webster defines a mediator as  
“one who serves as an  
intermediary to reconcile  
differences”**





## GOOD NEWS STORIES

**Department of Justice: Medicaid Drug Rebate Program resolved claims for more than \$360 million in 46 states**

**Air Force: Between FY 92 and FY 95, the reported use of ADR to resolve EEO complaints increased significantly and the average number of days required to settle formal EEO complaints decreased by 60%**





# MEDIATION - BENEFITS

## *Win-Win Situation*

Confidential

Encourages open  
communication

Allows parties to resolve  
differences themselves

Saves money/time



Neutral Third Party  
mediates

EEO complaint process  
continues if no  
agreement reached



# MEDIATION -- THE PROCESS



**Physical setting**

**Remarks by the parties**

**Joint discussion**

**Caucus**

**Reconvening parties**

**Writing agreement**





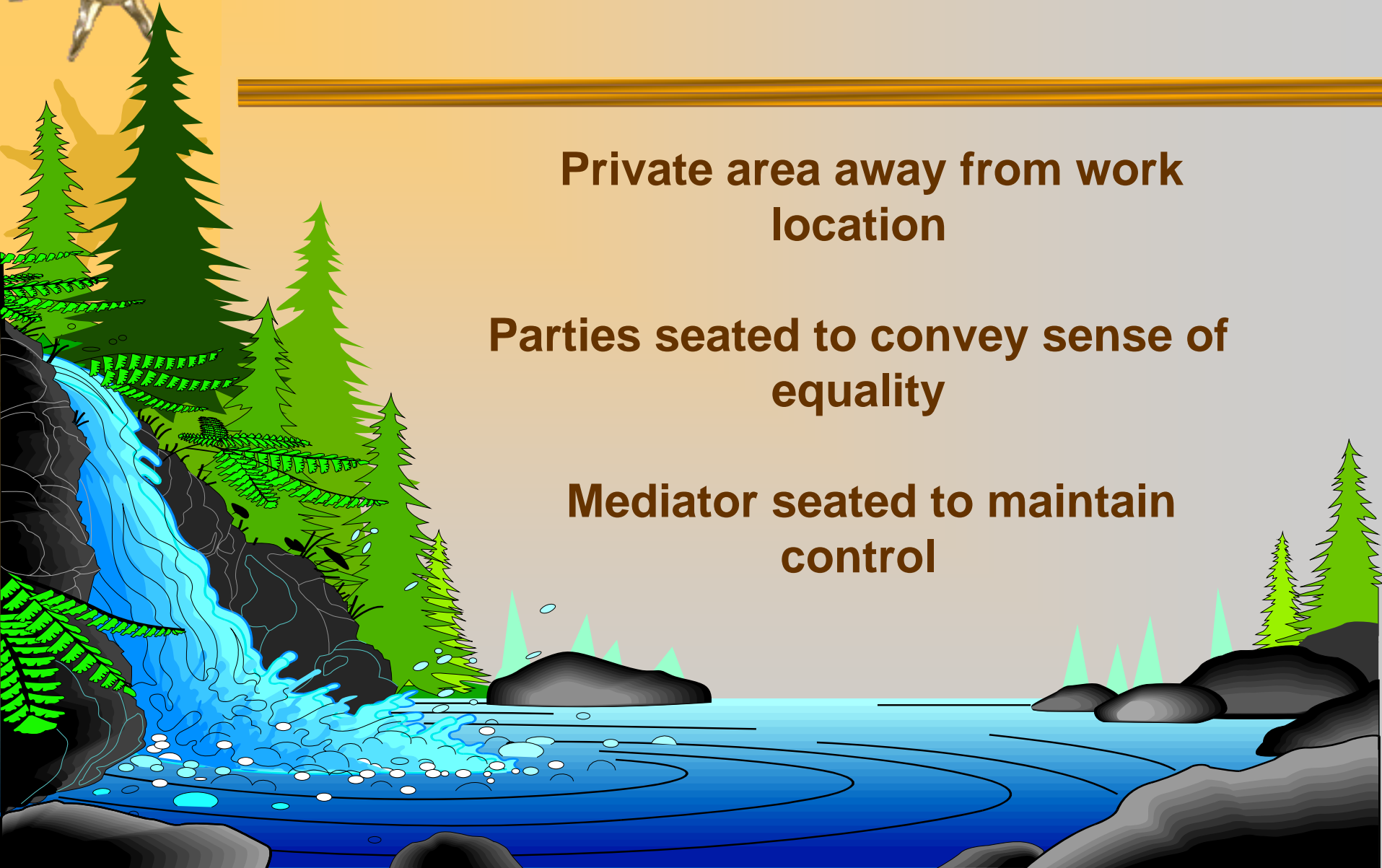
# PHYSICAL SETTING

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**Private area away from work  
location**

**Parties seated to convey sense of  
equality**

**Mediator seated to maintain  
control**





# REMARKS BY THE PARTIES

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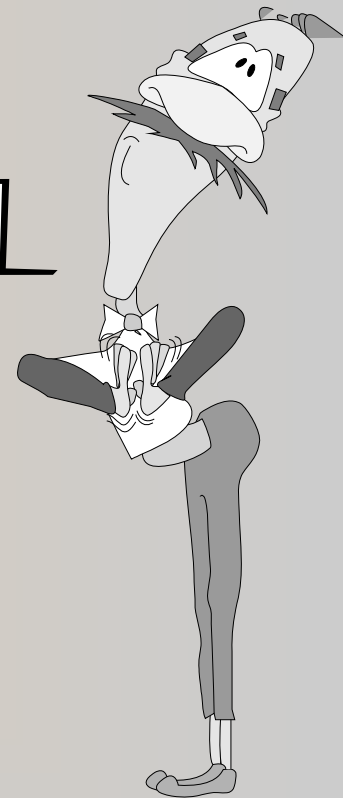


PROBLEMS

SOLUTIONS

**Mediator opens the session**

**Parties have the opportunity  
to make opening remarks and  
present their issues**





# JOINT DISCUSSION

**Mediator facilitates  
through several means**



**Open  
exchange is  
encouraged**

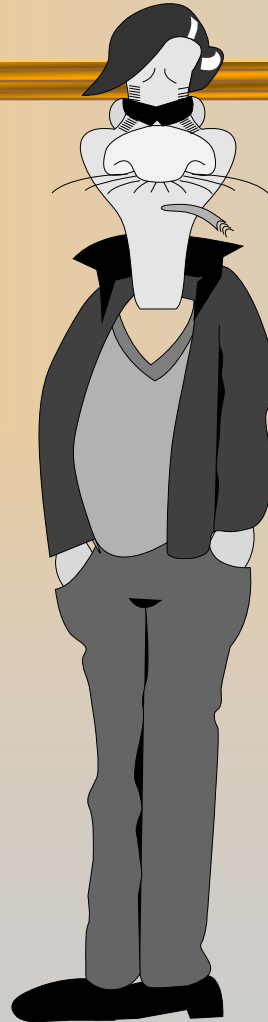


**Parties  
may want  
to  
produce  
evidence**

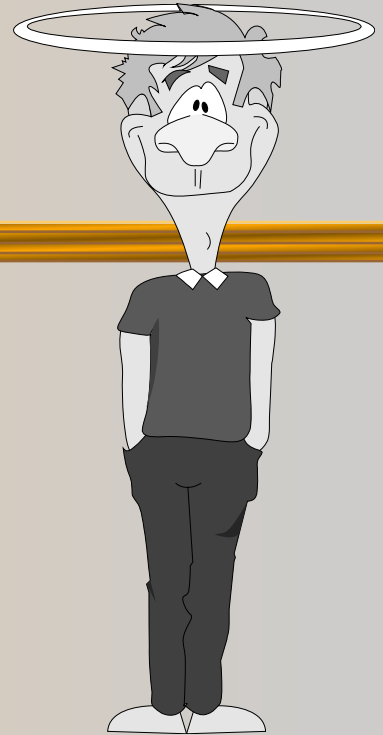


# CAUCUS

**Mediator meet  
with complainant**



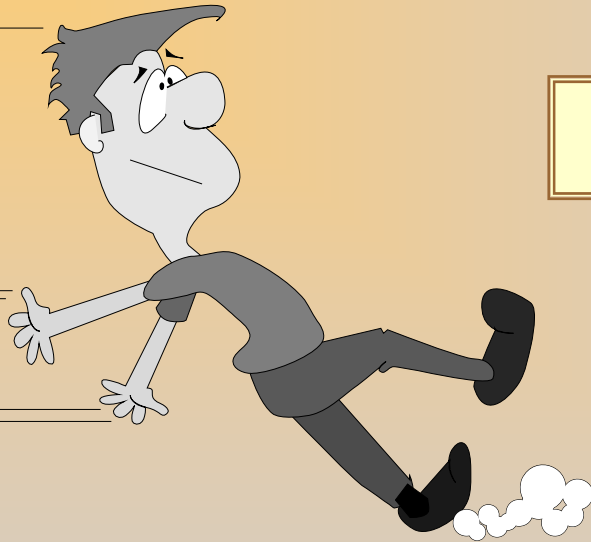
**Mediator meet with  
management**





# RECONVENING PARTIES

**Agreement**



**No Agreement**





# WRITING AGREEMENT

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**Mediator writes**

**Parties  
responsible for  
substance**





# MEDIATION OBSTACLES

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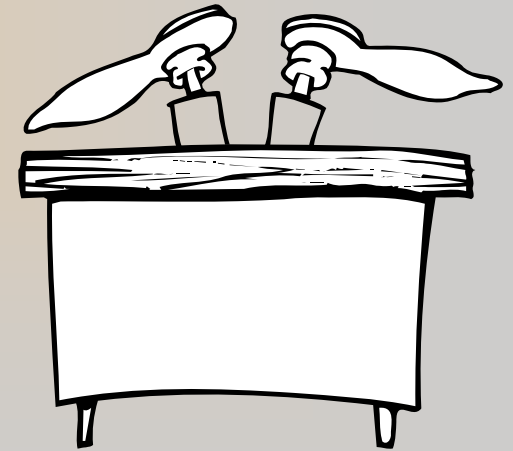
**Dispute is inappropriate**



**Approval authority not in attendance**



**Lack of an agreement**





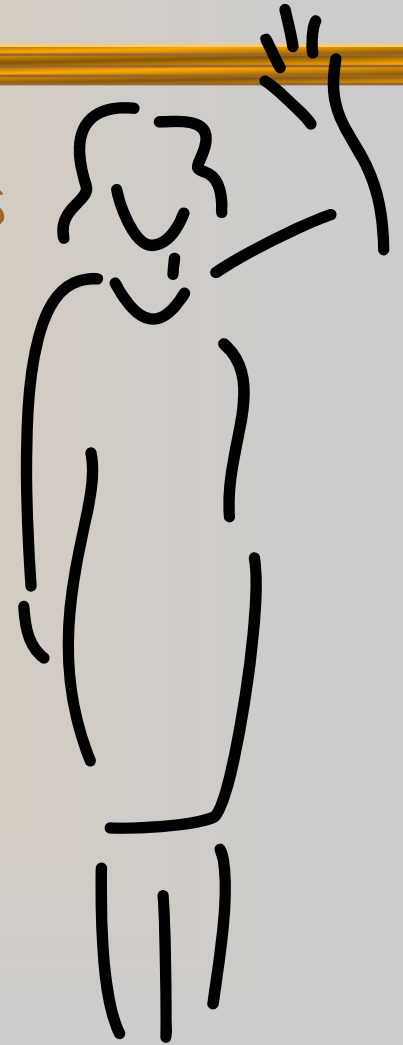
# MEDIATION BENEFITS YOU!



Managers/Supervisors

Counselors

Employees





# NOTE PAGES

Several  
charts contain  
note pages  
with  
additional  
information

